

Gwen Rutar Mullins, Esq.
Nevada Bar No. 3164
HOWARD & HOWARD ATTORNEYS PLLC
3800 Howard Hughes Pkwy., Ste. 1000
Las Vegas, NV 89169
Telephone: (702) 257-1483
Facsimile: (702) 567-1568
E-Mail Address: grm@h2law.com
*Attorneys for Casas Construction
and Daniel J. Casas*

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA for the use
and benefit of CASAS CONSTRUCTION,

Plaintiff,

vs.

SIERRA RANGE CONSTRUCTION, a
California corporation; PHILADELPHIA
INDEMNITY INSURANCE COMPANY,
AND DOES I through V, inclusive,

Defendants.

Case No.: 2:21-CV-00573-RFB-DJA

**STIPULATION AND ORDER TO
EXTEND TIME AND FOR ENTRY OF
AMENDED SCHEDULING ORDER
(Fourth Request)**

SIERRA RANGE CONSTRUCTION, a
California corporation;

Cross-Claimant,

vs.

CASAS CONSTRUCTION, a Nevada
corporation; DANIEL J. CASAS, an individual,
and ROES 1 through 5, inclusive;

Cross-Defendants.

**STIPULATION AND ORDER TO EXTEND TIME
AND FOR ENTRY OF AMENDED SCHEDULING ORDER (Fourth Request)**

Pursuant to FRCP 16(b)(4), LR II 26-3 and LR IA 6-1, CASAS CONSTRUCTION and DANIEL J. CASAS, (jointly referred to as “Casas Construction”) by and through their counsel of record, Gwen Rutar Mullins, Esq., of the law firm of HOWARD & HOWARD ATTORNEYS PLLC, and SIERRA RANGE CONSTRUCTION (“Sierra Range”) and PHILADELPHIA INDEMNITY INSURANCE COMPANY (“PIIC”), by and through their attorneys of record, William J. Braun, Esq. of the law firm of BRAUN & MELUCCI, LLP and Steven L. Yarmy, Esq. of the LAW OFFICES OF STEVEN L. YARMY hereby submit this Stipulation and Order to Extend Time and for Entry of Amended Scheduling Order (Fourth Request). This is the fourth request for extension of time concerning in this case.

Good cause exists to extend the deadlines for filing dispositive motions and Pretrial Order. The extension is being requested in view of the parties being unsuccessful in resolving the matter at the Settlement Conference held on October 20, 2022. The parties agreed to participate in a Settlement Conference in anticipation that the matter could be amicably resolved. In good faith effort to resolve this matter, once a Settlement Conference was scheduled, the parties’ concentrated on the Settlement Conference. If successful, the Settlement Conference would have resolved the matter. The parties did not wish to incur additional fees and costs on working on the dispositive motions prior to having the Settlement Conference. Such costs would have been incurred unnecessarily had the Settlement Conference been successful. As the Settlement Conference was held only five days before the dispositive deadline, the parties need additional time for the dispositive motions. For those reasons, the

1 parties, subject to the Court's approval, agree to extend the deadlines to file dispositive motions
2 and the Pretrial Order as set forth herein.

3 (1) **DISCOVERY IS COMPLETE:**

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5 On June 10, 2021, the parties submitted Proposed Discovery Plan and Scheduling Order
6 with a "Special Scheduling Review" following the parties' participation in the Rule 26(f)
7 conference. (Doc. 13). After Court's review, the Proposed Discovery Plan and Scheduling
8 Order was approved, and the Court issued the operative discovery plan on June 11, 2021. Doc.
9 14). The parties had previously extended the discovery deadlines and Scheduling Order on three
10 prior occasions. First it was extended due to the delays caused by the United States Air Force,
11 namely CONS/99 and other non-parties to the action, in producing documents pursuant to the
12 third-party subpoenas that Casas Construction served in this action, which documents are yet to
13 be provided by CONS/99, as well as several party and third-party witnesses. As a result, on
14 January 28, 2022 this Court extended the discovery deadlines as set forth in the Stipulation and
15 Order to Amend Discovery Plan and Scheduling Order (Doc. 24). The Court further granted
16 parties' the Stipulation and Order to Amend Discovery Plan and Scheduling Order (Second
17 Request) on July 7, 2022 (Doc. 26) extending discovery through August 15, 2022. Discovery on
18 this matter was completed on August 5, 2022 and no further discovery on this matter is
19 necessary. On August 17, 2022, the court granted the parties Stipulation and Order to Amend
20 Discovery and Scheduling Order (Third Request)(Doc. 28.), extending the dispositive motion
21 deadline to October 25, 2022. At that time the parties also requested the Court to set a
22 Settlement Conference as the parties wanted to see if an amicable resolution was possible prior
23 to incurring additional costs. An Order Setting Settlement Conference (Doc. 32) was entered on
24 August 24, 2022, setting the Settlement Conference for October 20, 2022.

The parties participated in good faith in a Settlement Conference held on October 20, 2022. The parties did not wish to incur the significant costs that would be incurred on dispositive motions in the event that the parties were come to an amicable resolution. The parties concentrated their efforts and their resources on trying to resolve the matter at the Settlement Conference. The parties, however, were unable to come to an amicable resolution and now need additional time to work on the dispositive motions, which the parties intend to file on this matter. In addition to extend deadline to file the discovery motions on this matter, the parties also wish to extend the deadline to file the Pretrial Order. The request to extend the two deadlines is made in good faith and not for the purposes of delay.

PROPOSED DISCOVERY SCHEDULE:

For the foregoing reasons, good cause exists to extend the deadlines set forth herein. Accordingly, the parties stipulate and agree to amend the Discovery Plan and the Scheduling Order as set forth herein and further agree to the following proposed new deadlines:

Dispositive Motions: December 6, 2022

Joint Proposed Pretrial Order: 30 days after resolution of dispositive motions or further order of the Court.

Fed. R. Civ. P. 26(a)(3) Disclosures The disclosures required under Fed. R. Civ. 26(a)(3) and any objections to them shall be included in the joint pretrial order.

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As set forth herein, this Stipulation is supported by good cause and is not made for purposes of delay.

Dated this 21st day of October, 2022.

**HOWARD & HOWARD
ATTORNEYS PLLC**

/s/ Gwen Rutar Mullins
GWEN RUTAR MULLINS, ESQ.
Nevada Bar No. 003146
3800 Howard Hughes Pkwy, Ste. 1000
Las Vegas, Nevada 89169
*Attorneys for Casas Construction and
Daniel J. Casas*

BRAUN & MELUCCI, LLP

/s/ William J. Braun
William J. Braun, Esq.
Pro Hac Vice
7855 Ivanhoe Avenue, Ste. 400
La Jolla, CA 92037

and

Steven L. Yarmy, Esq.
LAW OFFICES OF STEVEN L. YARMY
7464 West Sahara Avenue
Las Vegas, Nevada 89117
Attorneys for Sierra Range Construction

IT IS SO ORDERED subject to the following modification. The Joint Pretrial Order is due **January 5, 2023**. If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.


DANIEL J. ALBRECHTS
UNITED STATES MAGISTRATE JUDGE

DATED: October 21, 2022